

Applicants have presented remarks that place the application in condition for allowance or in better form for consideration on appeal and the Examiner is respectfully requested to admit this Response for consideration.

### **REMARKS**

Claims 1-30 remain in this application. No new matter has been added. Claims 1 through 5, 9 through 13, 17 through 21, and 25 through 30 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,802,568 to Csoppenszky ("Csoppenszky"). Claims 6, 7, 14, 15, 22, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Csoppenszky and U.S. Patent No. 6,314,561 to Funk et al. ("Funk"). Claims 8, 16, and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Csoppenszky and U.S. Patent No. 4,713,755 to Worley ("Worley"). Applicant respectfully requests that the above-identified application be reconsidered in view of the following remarks.

### **The 35 U.S.C. § 102 Rejection**

Claims 1 through 5, 9 through 13, 17 through 21, and 25 through 30 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Csoppenszky. Applicant respectfully disagrees and traverses the rejection.

Claim 1 recites:

...providing an instruction to the cache indicating that a line storing valid data in the cache is a candidate for replacement by reducing an importance level of the line. (Emphasis added).

Contrary to the Examiner's assertion, the Csoppenszky system clearance of **all** used bits "except the bit indicated by signal ADDR from multiplexor (125)", "[s]hould all of the memory items be both valid and have their used bits set" does not reduce the importance of "the memory line with said signal ADDR used bit still marked . . . below

that of the other memory lines.” (See Office Action, page 2, last paragraph bridging to page 3.) In fact, the exact opposite is true, “the importance of the memory line with said signal ADDR used bit still marked” is **increased**, since clearing the used bits in the other lines “permits overwriting of old information in any of the entries except entry 2” (i.e., the memory line with said signal ADDR used bit still marked). (See, column 4, line 62 through column 5, line 12.) (Underscoring added.)

In the present invention, a reduced importance cache line instruction is provided that **reduces** the importance level of a single cache line storing valid data so that the reduced importance cache line will be the “top” candidate for replacement, even if it is the most recently used instruction. (See Specification, page 6, line 26 through page 7, line 6.) In contrast, the Csoppenszky system only deals with a method of retaining the most recently used entry in a cache by clearing the used bit in all but the most recently used entry, if all memory entries are marked as valid and recently used. Therefore, the Csoppenszky reference fails to teach or describe “providing an instruction to the cache indicating that a line storing valid data in the cache is a candidate for replacement by reducing an importance level of the line,” as recited in claim 1.

Accordingly, the Examiner has failed to establish a *prima facie* case of anticipation, and withdrawal of the Section 102 rejection of claim 1, and claims 2 through 5 that depend therefrom, is respectfully requested.

Regarding claims 9, 17, 25, 26 and 30, for at least those reasons given above for claim 1, the Csoppenszky reference fails to teach or describe reducing an importance level of a cache line storing valid data. Therefore, the Examiner has failed to establish a *prima facie* case of anticipation, and withdrawal of the Section 102 rejection of claims 9, 17, 25, 26 and 30, and claims 10 through 13, 18 through 21, and 27 through 29 which ultimately depend from claims 9, 17, 25, and 26, is respectfully requested.

Accordingly, issuance of a notice of allowance for claims 1 through 5, 9 through 13, 17 through 21 and 25 through 30 is respectfully requested.

### **The 35 U.S.C. § 103 Rejection**

Claims 6, 7, 14, 15, 22, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Csoppenszky and U.S. Patent No. 6,314,561 to Funk et al. ("Funk"). Applicant respectfully traverses this rejection.

For at least those reasons given above for claims 1 through 5, 9 through 13, 17 through 21 and 25 through 30, the Csoppenszky and Funk combination fails to teach or suggest reducing the importance of a cache line of valid data. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness, and withdrawal of the Section 103 rejection of claims 6, 7, 14, 15, 22 and 23 is respectfully requested.

Accordingly, issuance of a notice of allowance for claims 6, 7, 14, 15, 22, and 23 is respectfully requested.

Claims 8, 16 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Csoppenszky and U.S. Patent No. 4,713,755 to Worley ("Worley"). Applicant respectfully traverses this rejection.

For at least those reasons given above for claims 1 through 5, 9 through 13, 17 through 21 and 25 through 30, the Csoppenszky and Worley combination fails to teach or suggest reducing the importance of a cache line of valid data. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness, and withdrawal of the Section 103 rejection of claims 8, 16 and 24 is respectfully requested.

Accordingly, issuance of a notice of allowance for claims 8, 16 and 24 is respectfully requested.

In view of the remarks submitted above, the Applicant respectfully submits that the present case is in condition for allowance or in better form for appeal. Applicant

respectfully requests that the Examiner admit the Response for consideration pursuant to 37 C.F.R. §1.116 and issue a notice of allowance.

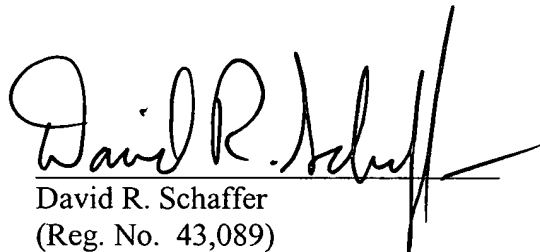
### CONCLUSION

In view of the above remarks, the Applicants respectfully submit that the present case is in condition for allowance, or at least in better form for appeal, and request that the Examiner issue a notice of allowance.

The Office is hereby authorized to charge the fee of \$410.00 for a Two-Month Petition for Extension of Time Under 37 C.F.R. § 1.136(a) and any additional fees under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayment to Kenyon & Kenyon **Deposit Account No. 11-0600**.

The Examiner is invited to contact the undersigned at (202) 220-4263 to discuss any matter concerning this application.

Respectfully submitted,

  
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